

117TH CONGRESS
1ST SESSION

S. 506

To establish the Clean School Bus Grant Program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 1, 2021

Ms. CORTEZ MASTO (for herself and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish the Clean School Bus Grant Program, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Clean School Bus Act
5 of 2021”.

6 SEC. 2. CLEAN SCHOOL BUS GRANT PROGRAM.

7 (a) DEFINITIONS.—In this section:

8 (1) ELECTRIC SCHOOL BUS.—The term “elec-
9 tric school bus” means a school bus that is pro-
10 pelled—

(A) to a significant extent by an electric motor that—

(i) draws electricity from a battery;

4 and

(ii) is capable of being recharged from an external source of electricity;

10 (C) by 1 or more hydrogen fuel cells.

18 (ii) purchasing school buses for use by

19 1 or more local educational agencies;

20 (B) 1 or more contracting entities that
21 provide school bus service to 1 or more local

22 educational agencies;

(C) a nonprofit school transportation association that provides school bus service to 1 or

25 more local educational agencies; or

(D) a tribally controlled school (as defined in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511)).

(3) FUEL CELL.—The term “fuel cell” has the meaning given the term in section 803 of the Energy Policy Act of 2005 (42 U.S.C. 16152).

7 (4) LOCAL EDUCATIONAL AGENCY.—The term
8 “local educational agency” has the meaning given
9 the term in section 8101 of the Elementary and Sec-
10 ondary Education Act of 1965 (20 U.S.C. 7801).

11 (5) PROGRAM.—The term “program” means
12 the Clean School Bus Grant Program established
13 under subsection (b)(1).

14 (6) SCHOOL BUS.—The term “school bus” has
15 the meaning given the term “schoolbus” in section
16 30125(a) of title 49, United States Code.

17 (7) SCRAP =

1 erwise disposing of an engine described in sub-
2 paragraph (A) for use in another motor vehicle
3 in any location.

4 (8) SECRETARY.—The term “Secretary” means
5 the Secretary of Energy.

6 (9) STATE.—The term “State” means—
7 (A) each of the several States of the
8 United States;
9 (B) the District of Columbia; and
10 (C) the Commonwealth of Puerto Rico.

11 (b) CLEAN SCHOOL BUS GRANT PROGRAM.—

12 (1) ESTABLISHMENT.—The Secretary shall es-
13 tablish in the Office of Energy Efficiency and Re-
14 newable Energy of the Department of Energy a pro-
15 gram, to be known as the “Clean School Bus Grant
16 Program”, for awarding grants on a competitive
17 basis to eligible entities for the replacement of cer-
18 tain existing school buses.

19 (2) APPLICATIONS.—To be eligible to receive a
20 grant under the program, an eligible entity shall
21 submit to the Secretary an application at such time,
22 in such manner, and containing such information as
23 the Secretary shall require, including—

24 (A) a certification that no public work or
25 service normally performed by a public em-

1 employee will be privatized or subcontracted in
2 carrying out a project under the grant; and

3 (B) to ensure a fair assessment of total
4 workforce impact, a detailed accounting of the
5 workforce of the eligible entity at the time of
6 application, including—

7 (i) the number of employees, orga-
8 nized by salary;

9 (ii) the bargaining unit status of each
10 employee;

11 (iii) the full- or part-time status of
12 each employee; and

13 (iv) the job title of each employee.

14 (3) PRIORITY OF GRANT APPLICATIONS.—

15 (A) IN GENERAL.—The Secretary shall
16 give priority to eligible entities—

17 (i) that have significant aging, ineffi-
18 cient, or high emission bus fleets that need
19 improvement;

20 (ii)(I) that serve a high percentage of
21 students from low-income families, as de-
22 termined by the Secretary using data from
23 the Small Area Income and Poverty Esti-
24 mates Program of the Bureau of the Cen-
25 sus; and

(II) with a participating local educational agency designated with a school district locale code of 41, 42, or 43, as determined by the National Center for Education Statistics in consultation with the Bureau of the Census; or

(iii) that propose projects that will most reduce emissions, as described in subparagraph (B).

(B) MOST EMISSIONS-REDUCING PROJECTS

DESCRIBED.—The projects that will most reduce emissions referred to in subparagraph (A)(iii) are projects that—

(i) will replace the most polluting diesel school buses with the cleanest running electric school buses, as indicated by—

(I) the age of the school buses to
be replaced;

(II) the emissions control technologies on the school buses to be replaced;

(III) the annual vehicle miles traveled by the school buses to be replaced;

(IV) the source of electricity or hydrogen used to power the electric school buses; and

(V) any other factors the Secretary determines to be relevant; or

(ii) will complement the use of grant

funds through other activities that—

(I) will enable broader deploy-

ment of electric vehicles, such as securing additional sources of funding through public-private partnerships with utilities, grants from other entities, or issuance of school bonds; or

(II) will achieve further reduc-

tions in emissions, such as installing solar panels as part of recharging infrastructure to power electric school buses purchased with grant funds.

(C) ADDITIONAL CRITERIA FOR CONSIDER-

ATION.—With respect to eligible entities seeking a grant to purchase electric school buses under the program, the Secretary may consider, in addition to the information included in the application submitted under paragraph (2)—

(i) whether the grant will benefit students in a region that is in nonattainment of a national ambient air quality standard under section 109 of the Clean Air Act (42 U.S.C. 7409);

(ii) whether the eligible entity, or whether the local educational agency that would be served by the eligible entity, has taken other action to reduce emissions during the transportation of students, such as instituting a no-idling policy; and

(iii) whether the eligible entity serves geographic locations with potential barriers to the use of an electric school bus, including—

(I) significant weather events;

and

(II) distance challenges and limi-

tations.

(4) USE OF SCHOOL BUS FLEET.—Each electric

school bus acquired or leased with funds provided

under the program—

(A) shall be operated as part of the school fleet for which the grant was made for not than 5 years;

(B) shall be maintained, operated, and charged according to manufacturer recommendations or State requirements; and

(C) may not be manufactured or retrofitted with, or otherwise have installed, a power unit or other technology that creates air pollution within the school bus, such as an unvented diesel passenger heater.

(5) GRANT AWARDS.—

(A) IN GENERAL.—The Secretary may use funds made available to carry out the program—

(i) to award grants for—

(I) the replacement of existing diesel school bus fleets with electric school buses;

(II) the implementation of recharging infrastructure or other infrastructure, including renewable energy generation infrastructure, needed to charge or maintain electric school buses;

(III) workforce development and training, to support the maintenance,

18 (i) require that grant recipients—

(I) replace diesel school buses
with electric school buses;

(II)(aa) not later than 1 year
after receiving the electric school bus
purchased using a grant under the
program, scrap the diesel engine of
the school bus being replaced; or

1 (bb) receive a waiver under para-
2 graph (6);

3 (III) do not, as a result of receiv-
4 ing the grant—

5 (aa) lay off, transfer, or de-
6 mote any current employee; or

11 (IV) provide current employees
12 with training to effectively operate,
13 maintain, or otherwise adapt to new
14 technologies relating to electric school
15 buses; and

19 (I) scrapping a diesel engine:

(II) transferring or repurposing a diesel school bus as authorized under a waiver under paragraph (6); and

(III) the resale or reuse of other parts of a school bus replaced using grant funds.

1 (C) GRANT AMOUNTS.—

15 (aa) the cost of an electric
16 school bus; and

17 (bb) the cost of a diesel
18 school bus

(II) DETERMINATION OF COST
OF SCHOOL BUSES.—In determining the amount of funds under subclause (I), the Secretary may determine the cost of a school bus for the purpose of calculating the marginal cost under that subclause through—

19 (D) BUY AMERICA.—

(i) IN GENERAL.—Except as provided in clause (ii), any electric school bus purchased using funds awarded under the program shall comply with the requirements described in section 5323(j) of title 49, United States Code.

1 (ii) EXCEPTIONS.—

2 (I) WAIVER.—The Secretary may
3 provide any waiver to the require-
4 ments described in clause (i) in the
5 same manner and to the same extent
6 as the Secretary of Transportation
7 may provide a waiver under section
8 5323(j)(2) of title 49, United States
9 Code.

10 (II) PERCENTAGE OF COMPO-
11 NENTS AND SUBCOMPONENTS.—The
12 Secretary may grant a waiver in ac-
13 cordance with section 5323(j)(2)(C) of
14 title 49, United States Code, when a
15 grant recipient procures an electric
16 school bus using funds awarded under
17 the program for which the cost of
18 components and subcomponents pro-
19 duced in the United States, for fiscal
20 year 2022 and each fiscal year there-
21 after, is more than 70 percent of the
22 cost of all components of the school
23 bus.

1 (6) WAIVER.—On request of a grant recipient,
2 the Secretary may grant a waiver under paragraph
3 (5)(B)(i)(II)(bb) to authorize a grant recipient—

4 (A) to transfer a diesel school bus replaced
5 using grant funds under the program under an
6 agreement—

7 (i) between—

8 (I) the grant recipient; and
9 (II) an entity described in sub-
10 section (a)(2) that serves an area that
11 is in attainment of national ambient
12 air quality standards under the Clean
13 Air Act (42 U.S.C. 7401 et seq.);

14 (ii) that provides that—

15 (I) not later than 1 year after the
16 transfer subject to the agreement, the
17 entity receiving a school bus from the
18 grant recipient will scrap a number of
19 diesel engines of school buses that is
20 equal to the number of school buses
21 being received; and

22 (II) any diesel engines described
23 in subclause (I) are older and more
24 polluting than the diesel engines in
25 the school buses being received; and

19 (8) ANNUAL REPORTING.—

1 day, as provided by the eligible entity
2 awarded the grant;

3 (vi) with respect to a school bus re-
4 placed using a grant under the program,
5 the number, make and model, year of
6 make, fuel type, annual vehicle miles trav-
7 eled, and the average number of students
8 transported per day, as provided by the eli-
9 gible entity awarded the grant;

10 (vii) whether the grant recipient re-
11 ceived a waiver under paragraph (6) and,
12 if the grant recipient received such a waiv-
13 er, with respect to a school bus scrapped
14 by the receiving entity described in para-
15 graph (6)(A), the number, make and
16 model, year of make, fuel type, type of
17 school bus, annual vehicle miles traveled,
18 and the average number of students trans-
19 ported per day, as provided by the eligible
20 entity awarded the grant;

21 (viii) an estimate of the local air pol-
22 lution emissions and global greenhouse gas
23 emissions avoided as a result of the grant;
24 and

(ix) any other data determined by the Secretary to enable an analysis of the use and impact of grants under the program.

20 (iv) the impact of the awarded grants
21 on local air pollution and greenhouse gas
22 emissions; and

(v) any other information determined by the Secretary to enable Congress to un-

1 derstand the implementation, outcomes,
2 and effectiveness of the program.

3 (C) REPORT ON BUY AMERICA WAIVERS.—

4 Not later than 1 year after the date of enact-
5 ment of this Act, and annually thereafter, the
6 Secretary shall submit a report describing any
7 waiver granted under paragraph (5)(D)(ii)(I)
8 during the preceding year to—

9 (i) the Committee on Environment
10 and Public Works of the Senate;

11 (ii) the Committee on Energy and
12 Natural Resources of the Senate;

13 (iii) the Committee on Appropriations
14 of the Senate;

15 (iv) the Committee on Transportation
16 and Infrastructure of the House of Rep-
17 resentatives;

18 (v) the Committee on Energy and
19 Commerce of the House of Representa-
20 tives; and

21 (vi) the Committee on Appropriations
22 of the House of Representatives.

23 (c) EDUCATION.—

24 (1) IN GENERAL.—Not later than 90 days after
25 funds are appropriated to carry out the Program,

1 the Secretary shall develop an education outreach
2 campaign to promote and explain the program.

3 (2) COORDINATION WITH STAKEHOLDERS.—
4 The outreach campaign under this subsection shall
5 be designed and conducted in conjunction with na-
6 tional school bus transportation associations, edu-
7 cators, local educational agencies, school bus drivers,
8 school bus leasing or contracting operators, the
9 school bus manufacturing and supply industries, and
10 other stakeholders.

11 (3) COMPONENTS.—The outreach campaign
12 under this subsection shall—

13 (A) inform eligible entities of the process
14 of applying for grants;

15 (B) describe the available technologies and
16 the benefits of the technologies;

17 (C) explain the benefits of participating in
18 the program;

19 (D) facilitate the sharing of best practices
20 and lessons learned among grant recipients and
21 between grant recipients and eligible entities;
22 and

23 (E) include, as appropriate, information
24 from the annual reports required under sub-
25 section (b)(8).

1 (d) COST SHARING.—The Secretary shall not require
2 cost sharing for any project carried out using a grant
3 awarded under the program.

4 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to the Secretary to carry
6 out the program \$200,000,000 for each of fiscal years
7 2022 through 2027, to remain available until expended.

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